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IN THE DISTRICT COURT OF APPEAL
FOR THE FIRST DISTRICT 06 DEC 20 AM 7:14
STATE OF FLORIDA

LETICIA & JORGE CALLARD,

Appellants,

Case No.:1D06-3453

LT Number:040208-EI

v.

FLORIDA POWER & LIGHT
COMPANY, ET AL.,

Appellee.

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06 DEC 20 AM 9:34
COMMISSION
CLERK

INITIAL BRIEF OF APPELLANTS,
LETICIA AND JORGE CALLARD

CMP _____

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ECR _____

GCL _____

OPC _____

RCA _____

SCR _____

SGA _____

SEC 1

OTH Lochard

7860 S.W 18TH TERRACE
MIAMI FL, 33155-1339

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TABLE OF CONTENTS

PAGE NO.

STATEMENT OF THE CASE AND FACTS.....1&2

SUMMARY OF THE ARGUMENT..... 3

ARGUMENT..... 4

I. THERE IS NO PROOF OF EVIDENCE SUPPORTING THE
COMMISSIONS DETERMINATION THAT METER TAMPERING TOOK
PLACE AT THE CALLARD’S RESIDENCE..... 4

II. THERE IS NO SUBSTANTIAL EVIDENCE IN SUPPORTING THE
COMMISSION’S DETERMINATION THAT FLORIDA POWER &
LIGHT COULD BACK BILL THE CALLARDS \$3975.66 FOR
UNMETERED ELECTRICITY SERVICE.....4

CONCLUSION.....5

CERTIFICATE OF SERVICE.....6

STATEMENT OF THE CASE AND FACTS

On March 8, 2004 a complaint was filed with the Public Service Commission and docket number 040208-EI was opened to investigate our complaint against Florida Power & Light Company for breaking and entering our property without permission. Tampered with our meter and falsely implicated us after removing the meter from the home. Providing false data to back bill the Callard's during the period for January 1997 through July 2002.

The Commission failed to prove FPL could back bill the Callard's for \$8930.97 for unmetered electricity service and assess the \$348.21 investigation charge.

On August 4, 2004 The Commission transferred the matter to Division of Administrative Hearing (DOAH) ALJ John G. Van Laningham and took place on November 29th and December 30th of 2004. After reviewing the Callard's documents ALJ recommended to the Commission the corrected number of kilowatts that could be billed and rejected the Florida Power & Light claim to over charge the Callard's and denied the investigation cost of \$348.21.

The Commission allowed Florida Power & Light to submit false data in order to justify the over charged bill of \$3975.66.

SUMMARY OF THE ARGUMENT

The Commission failed to support evidence of any meter tampering occurring at the Callard's residence. No evidence to support the so called smudges, scratches, or broken seal took place prior to removing the meter from the home.

The Commission failed to provide an interpreter for Mr. Callard (my witness) who spoke nor understood any English and was not able to follow the trial as well as give his testimony, the Commission denied our request.

The Commission allowed Florida Power & Light to trespass and destroy evidence of meter # **5C46714** which had been installed and tampered with in order to calculate false number of kilowatts used to back bill the Callard's for, \$8930.97.

ARGUMENT

I. THERE IS NO PROOF OF EVIDENCE SUPPORTING THE COMMISSIONS DETERMINATION THAT METER TAMPERING TOOK PLACE AT THE CALLARD'S RESIDENCE.

The Callard's assert that the commission's decision is based on false testimony and the Commission did not act fairly.

James Bartlet testified on behalf of FPL and was not able to state how he entered the property to access the meter. After several questions Mr. Barlet stated he was let in the home, which is a false statement because he accessed the property unlawfully by climbing a 6 foot fence.

II. THERE IS NO SUBSTANTIAL EVIDENCE IN SUPPORTING THE COMMISSION'S DETERMINATION THAT FLORIDA POWER & LIGHT COULD BACK BILL THE CALLARDS \$3975.66 FOR UNMETERED ELECTRICITY SERVICE.

Florida power & Light witnessed Bert Cunill testimony that the average customer's percentage monthly usage should be used to estimate the unmetered electricity consumed by the Callard's but the meter used to calculate had been tampered to operate at a high rate of speed to justify large consumption.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by the United States mail this 15th day of December, 2006 to the following:

David M. Lee

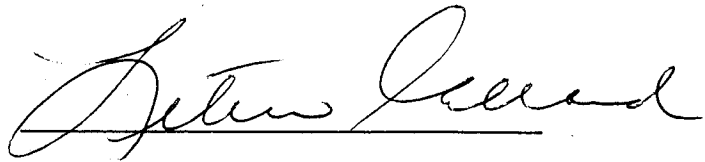
Florida Power & Light company
Law Department
700 Universe Blvd.
Juno Beach, FL 33408

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL. 32399-0850
850-413-6202

CONCLUSION

The Commission's decision should not be affirmed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Leticia Callard", written over a horizontal line.

LETICIA CALLARD

A handwritten signature in cursive script, appearing to read "Jorge Callard", written over a horizontal line.

JORGE CALLARD

7860 SW 18 Terrace
Miami FL, 33155-1339